

STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 8.7 ACRES LOCATED AT 0, 0, 0, 1480, 1460, AND 1400 CHAPEL RIDGE ROAD FROM OFFICE AND INSTITUTIONAL-CONDITIONAL ZONING (O&I-CZ #16CZ11) TO OFFICE AND INSTITUTIONAL-CONDITIONAL ZONING (O&I-CZ)

#21CZ18

WHEREAS, Olive Chapel Professional Park, LLC/Jones & Cnossen Engineering, PLLC, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 2nd day of August 2021 (the "Application"). The proposed conditional zoning is designated #21CZ18;

WHEREAS, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ18 before the Planning Board on the 14th day of November 2022;

WHEREAS, the Apex Planning Board held a public hearing on the 14th day of November, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ18. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 8 to 0 for the application for #21CZ18;

WHEREAS, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #21CZ18 before the Apex Town Council on the 29th day of November 2022;

WHEREAS, the Apex Town Council held a public hearing on the 29th day of November 2022. Amanda Bunce, Current Planning Manager, presented the Planning Board's recommendation at the public hearing;

WHEREAS, all persons who desired to present information relevant to the application for #21CZ18 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

WHEREAS, the Apex Town Council finds that: The 2045 Land Use Map designation of Office Employment is consistent with the zoning district Office & Institutional-Conditional Zoning (O&I-CZ);

WHEREAS, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The proposed rezoning is reasonable and in the public interest because it will provide an opportunity for additional non-residential uses to serve the surrounding areas. It will also encourage compatible development of the property, increase the tax base and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map; and

WHEREAS, the Apex Town Council by a vote of 5 to 0 approved Application #21CZ18 rezoning the subject tract located at 0, 0, 0, 1480, 1460, and 1400 Chapel Ridge Road from Office and Institutional-Conditional Zoning (O&I-CZ #16CZ11) to Office and Institutional-Conditional Zoning (O&I-CZ).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Attachment "A" – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the "Rezoned Lands."

Section 2: The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Office and Institutional-Conditional Zoning (O&I-CZ

Ordinance Amending the Official Zoning District Map #21CZ18

#16CZ11) to Office and Institutional-Conditional Zoning (O&I-CZ) District, subject to the conditions stated herein.

Section 3: The Planning Director is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 4: The "Rezoned Lands" are subject to all of the following conditions which are imposed as part of this rezoning:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

Permitted Uses and Limitations:

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|--|--|
| 1. Government service | 11. Newsstand or gift shop (%) |
| 2. Veterinary clinic or hospital | 12. Pharmacy (%) |
| 3. Vocational school | 13. Printing or copying service |
| 4. Medical or dental office or clinic | 14. Studio for Art |
| 5. Medical or dental laboratory | 15. Personal service (%) |
| 6. Office, business or professional | 16. Health/fitness center or spa (limited to 2,500 SF max) |
| 7. Publishing office | 17. Real estate sales (limited to 2,500 SF max) |
| 8. Radio and television recording studio | 18. Utility, minor |
| 9. Restaurant, general (%) (limited to 1,500 SF max) | 19. Pet Services |
| 10. Financial institution | 20. Tailor Shop |

Section 5: The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

Section 6: This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member _____

Seconded by Council Member _____

With ____ Council Member(s) voting "aye."

With ____ Council Member(s) voting "no."

This the ____ day of _____ 2022.

Ordinance Amending the Official Zoning District Map #21CZ18

TOWN OF APEX

Mayor

ATTEST:

Allen Coleman, CMC, NCCCC

APPROVED AS TO FORM:

Town Attorney